

# EXHIBIT 1

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC. )

Plaintiff )

v. )

Case No. PJM 08 cv 0921

WORLD AVENUE USA, LLC, et al. )

Defendants )

**DEFENDANT WORLD AVENUE USA, LLC'S LOCAL RULE 104 CERTIFICATION  
REGARDING ITS MOTION FOR ORDER TO SHOW CAUSE AS TO PROHIBITED  
SUMMARY JUDGMENT MOTION**

Defendant, WORLD AVENUE USA, LLC ("WAUSA") hereby submits its Local Rule 104 Certification concerning its Motion For Order to Show Cause As To Prohibited Summary Judgment Motion filed at ECF 697.

1. WAUSA submits that it made a good faith effort to resolve the subject matter of this Motion, but all such efforts were unsuccessful.

2. On June 2, 2011, counsel for WAUSA, Sanford M. Saunders, Jr. and Kenneth A. Horky in a five (5) minute face-to-face meeting with counsel for BSI, John J. Duffy, Jr., demanded that BSI withdraw its Motion For Summary Judgment on the Three Trial Issues filed at ECF 697 in violation of Court's ruling at the November 29, 2010 hearing. Mr. Duffy informed us that BSI conferred with co-counsel, Mr. Ring, regarding WAUSA's position. During the meeting, counsel for WAUSA informed counsel for BSI that WAUSA would have to file an immediate motion to bring the issue to the Court's attention that same day if the prohibited Motion for Summary Judgment were not withdrawn.

3. Unfortunately, BSI did not agree to withdraw its Motion. Rather, BSI filed subsequent correspondence with the Court [ECF 698] informing the Court that WAUSA's

“asked” for withdrawal of the Motion for Summary Judgment. BSI then requested a stay of *all* motions due to the pendency of settlement negotiations -- without informing the Court of what the motions actually were.

Dated: June 2, 2011.

Respectfully submitted,  
*Attorneys for World Avenue USA, LLC*

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